

## **REMARKS**

Claims 1-31 are pending in this application. Of the pending claims, claims 1-13, 15, 16 and 19 are rejected (final); claims 14, 17, 18 and 31 are objected to; and claims 20-30 are allowed.

The drawings filed on June 27, 2003 are accepted.

Claims 1 and 8 are proposed to be amended.

This response seeks to convince the Examiner to remove the rejection, or failing that to place rejected claims 1 and 8 as amended in better form for appeal by clarifying the issue regarding the rejection of claims 1 and 8.

### **Claim Rejection – 35 USC 102**

Claims 1-13, 15, 16 and 19 are rejected under 35 USC 102(e) as being anticipated by Trauemicht et al. (US 20040155917A1).

#### **Claims 1-13, 15, 16 and 19 Are Not Anticipated By Trauemicht et al.**

Claims 1 and 8 originally called for an actuator opening in the bending portion of the movable or cantilevered element that *permits the liquid to pass through the actuator opening* when the movable or cantilever element is deflected or bent. This feature is clarified without substantially changing the claim scope in the proposed amendment to claims 1 and 8. Claim 1 as proposed to be amended recites that the bending portion has at least one actuator opening *in the liquid chamber* that is *open through the bending portion* to permit passage of the liquid through the at least one actuator opening. Claim 8 as proposed to be amended recites that the bending portion has at least one actuator opening *in the liquid chamber* that is located in *a center of the bending portion* and is *open through the bending portion* to permit passage of the liquid through the at least one actuator opening. Support for the proposed amendment can be found, for example, in the specification at pages 11-12 and 18, and in FIG. 12(d) of the drawings.

The Examiner in rejecting claims 1 and 8 asserts that in Trauemicht et al. the cantilevered element 20 has a slot between the first and second resistor segments 62 and 64 and also between the electrical input pads 42 and 44, which reads on the claimed "actuator opening". Apparently, in making this assertion, the Examiner is looking at FIGS. 5, 6 and 12(a) in Trauemicht et al. which show the slot. A problem with this assertion, however, is that FIGS. 5, 6 and 12(a)

depict an intermediate stage in the manufacture of the cantilevered element 20. The Examiner should consider FIG. 7 in Trauernicht et al., which is the next stage in the manufacture of the cantilevered element 20, and shows the slot *covered* with a second layer 23 of a dielectric material of the cantilevered element. Thus, the slot cannot serve as the claimed "actuator opening" because it is *not open* and therefore cannot *permit the liquid to pass through the actuator opening* as in claims 1 and 8.

Also, the small portion of the slot between the electrical input pads 42 and 44 in Trauernicht et al. cannot *permit the liquid to pass through the actuator opening* as in claims 1 and 8 because the electrical input pads are positioned *outside* the liquid chamber 12. See FIGS. 2 and 10 ((a) in Trauernicht et al. In contrast, claims 1 and 8 call for the actuator opening to be *in* the liquid chamber.

Accordingly, the rejection of claims 1 and 8 should be withdrawn. Moreover, since claims 2-7 depend on claim 1 and claims 9-13, 15, 16 and 19 depend from claim 8, the rejection of claims 2-7, 9-13, 15, 16 and 19 should be withdrawn at least for the same reason the rejection of claims 1 and 8 should be withdrawn.

#### **Allowable Subject Matter/Claims**

Claims 20-30 are allowed.

Claim 31, which is dependent on allowed claim 20, is indicated to be allowable "if rewritten to overcome the rejection under 35 USC 112, 2nd paragraph, set forth in this Office Action". However, since there is no such rejection in the Office Action, and since the Examiner states that "all 35 USC 112 rejections have been reconsidered and withdrawn", it is assumed there is a typing error and claim 31 is allowed.

Claims 14,17 and 18 depend from rejected claim 8, but are indicated to be allowable in substance.

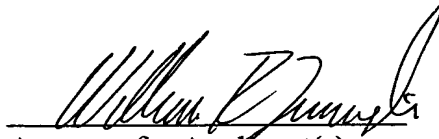
#### **Conclusion**

The above remarks are believed to be fully responsive to the final Office Action.

It is respectfully submitted that, in view of the above remarks, this application, with pending claims 1-31, is now in condition for allowance, a notice of which is solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.